HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No.7552 of 2007

PETITIONERS

1 D. Deewan S/o Shri Johan Singh Deewan, Age about 52 years, Lecturer, Govt. H.S. School, Bhatapara, Distt. – Raipur (C.G.)

2 Ramlal Dhruv S/o Shri Dhansingh Dhruw, Age about 53 years, Head Master, Govt. Primary School, Murkoni, Pithora, Distt. – Mahasamund (C.G.)

3 Pratap Singh Shyam S/o Shri Brahama Singh Shyam, Age about 51 years, Head Master, Govt. Primary School, Barekel Khurd, Distt.- Mahasamund (C.G.)

4 Goutam Prasad Kaiwart S/o Shri Seweak Ram Kaiwart, Age about 51 years, Asstt. Teacher, Govt. Primary School, Badhaipali, Distt.- Mahasamund (C.G.)

5 Narendra Singh Thakur S/o Shri Motilal Thakur Age about 54 years, Head Master, Govt. Primary School, Arand, Distt. – Mahasamund (C.G.)

6 Deosingh Sahu S/o Shri Nohar Lal Sahu Age about 55 years, L.D.T., Govt. Primary School, Ghoghara, Distt.-Mahasamund (C.G.)

7 Kemraj Diwan S/o Shri Ramnath Diwan Age about 55 years, Head Master, Govt. Primary School, Nayaparakala, Distt. – Mahasamund (C.G.)

8 Harekrishna Nayak S/o Shri Dharmu Nayak, Age about 56 years, Asstt. Teacher, Govt. Primary School, Tilaipali, Distt.- Mahasamund (C.G.)

9 Deenbhandhu Manjhi S/o Shri Goverdhan Manjhi Age about 54 years, Asstt. Teacher, Govt. Middle School, Kisdi, Distt. – Mahasamund (C.G.)

10 Vidyadhar Barik S/o Shri Narayan Barik, Age about 52 years, Head Master, Govt. Primary School, Parewapali, Distt.- Mahasamund (C.G.)

11 Loknath Bhoi S/o Shri Roop Singh Bhoi, Age about 52 years, A.B.ED.O., Saraipali, Distt. – Mahasamund (C.G.)

12 Punit Ram Baghel S/o Shri Puniram Bhaghel, Age about 52 years, Head Master, Govt. Middle School, Mundha, Distt. – Mahasamund (C.G.)

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13 Mani Ram Loi S/o Shri Balak Ram Loi, Age about 51 years, Head Master, Govt. Primary School, Mohanmunda, Distt.- Mahasamund (C.G.)

14 Nandlal Godtiya S/o Shri S. Godtiya, Age about 52 years, L.D.T., Govt. Primary School, Jatakamhar, Distt.- Mahasamund (C.G.)

15 Deenbandhu Budek S/o Shri Arkhit Budek Age about 54 years, Head Teacher, Govt. Primary School, Mundpar, Distt. – Mahasamund (C.G.)

16 Mohit Ram Sinha S/o Shri Vishvanath Sinha Age about 51 years, Asstt. Teacher, Govt. Primary School, Laxmipur, Distt. – Mahasamund (C.G.)

17 Ramkrishna Bariha S/o Shri Chandan Bariha, Age about 56 years, Head Master, Govt. Primary School, Bijepur, Distt. – Mahasamund (C.G.)

18 Amrit Lal Diwan S/o Shri Shambhu Nath Diwan, Age about 52 years, Head Master, Govt. Middle School, Dularpali, Distt. – Mahasamund (C.G.)

19 Chamru Lal Vishal S/o Shri Sahadeo Vishal, Age about 54 years, Asstt. Teacher, Govt. Middle School, Pirda, Distt.- Mahasamund (C.G.)

20 Suresh Chandra Gadatiya S/o Shri Drupsingh Gadatiya Age about 52 years, Head Master, Govt. Primary School, Kedwan, Distt. – Mahasamund (C.G.)

21 Hemsagar Bagh S/o Shri Sahani Bagh, Age about 51 years, Head Master, Govt. Primary School, Maldamal, Distt. Mahasamund (C.G.)

22 Lalit Kumar Bhoi S/o Shri Gaurang Bhoi, Age about 53 years, U.D.T. Govt. Middle School, Patsendri, Distt.- Mahasamund (C.G.)

23 Sukhi Ram Goriyar S/o Shri Dhanuram Goriyar, Age about 54 years, Head Master, Govt. Primary School, Rohina, Distt. – Mahasamund (C.G.)

24 Makardhwaj Bagh S/o Ratnakar Bagh Age about 52 years, Head Master, Govt. Middle School, Gaurtek, Distt. – Mahasamund (C.G.)

25 Premlal Manjhi S/o Shri Motiram Manjhi, Age about 51 years, Head Master, Govt. Primary School, Kurchundi, Distt.– Mahasamund (C.G.)

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26 Sanatan Budek S/o Shri Lala Budek, Age about 58 years, Head Master, Govt. Primary School, Shankarpur, Distt.- Mahasamund (C.G.)

27 Pitham Ram Bariha S/o Shri Anandi Ram Bariha Age about 55 years, Head Master, Govt. Primary School, Khursihar, Distt.- Mahasamund (C.G.)

28 Mahesh Ram Dewan S/o Shri Raghudhar Dewan Age about 54 years, U.D.T., Govt. H.S. School, Bichhiya, Distt.- Mahasamund (C.G.)

29 Karam Singh Kaushik S/o Shri Mani Singh Kaushik Age about 54 years, L.D.T., Govt. Primary School, Tupakbora, Distt.- Mahasamund (C.G.)

30 Laxman Singh Diwan S/o Shri Chinta Ram Diwan, Age about 51 years, U.D.T., Govt. Middle School, Ghonch, Distt.- Mahasamund (C.G.)

31 Sube Singh Diwan S/o Shri Purru Ram Diwan Age about 54 years, L.D.T., Govt. Middle School, B.K. Bahara, Distt.- Mahasamund (C.G.)

32 Sampat Lal Bhoi S/o Late Shri Manbodh Bhoi, Age about 52 years, Head Master, Govt. Primary School, Kudekel, Distt.- Mahasamund (C.G.)

33 Nanhu Ram Bariha S/o Shri Mohitram Bariha, Age about 52 years, Head Master, Govt. Primary School, Bodapali, Distt. – Mahasamund (C.G.)

Versus

RESPONDENTS

1 State Government of Chhattisgarh Through:- Secretary, Tribal & Education Department, D.K.S. Bhawan, Raipur (C.G.)

2 Assistant Commissioner Tribal Welfare Department, Distt. – Mahasamund (C.G.)

3 District Education Officer Distt.- Mahasamund/Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Somkant Verma, counsel for the petitioners.
Shri Pradeep Singh, Panel Lawyer for the State on advance copy.

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ORAL ORDER
(20.12.2007)

SUNIL KUMAR SINHA, J

Heard.

Learned counsel for the petitioners submits that the issue involved in the case is as to whether the petitioners are entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period. He submits that the issue involved herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No.2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. and others), wherein, it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No.6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from the date of initial appointment.

Learned counsel for the petitioners further submits that this Court, while considering the same issue in Ram Kumar Sahu and others Vs. State Govt. of Chhattisgarh and another (W.P.(S) No.813 of 2007) by order dated 12.2.2007, has granted regular pay scale w.e.f. the date of initial appointment.

Learned counsel for the parties jointly submits that this case is squarely covered by the decision of this Court in the case of Ram Kumar Sahu and another (supra).

In view of that, this petition is allowed in the same terms.

However, this order shall be subject to all verifications made by the State regarding facts pleaded in the petition.

Sd/-
Sunil Kumar Sinha
Judge

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